

JOSEPH P. RUSSONIELLO, CSBN 44332  
 United States Attorney  
 JOANN M. SWANSON, CSBN 88143  
 Assistant United States Attorney  
 Chief, Civil Division  
 ILA C. DEISS, NY SBN 3052909  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7124  
 FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

BIN LI,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the  
 Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of the  
 U.S. Citizenship and Immigration Services;  
 ROBERT S. MUELLER, Director of  
 Federal Bureau of Investigation,

Defendants.

No. C 07-5564 HRL

**PARTIES' JOINT REQUEST TO BE  
 EXEMPT FROM FORMAL ADR  
 PROCESS**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <[www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov)>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to plaintiff's request that this Court compel defendants to adjudicate the application for adjustment of status. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax

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court resources.

Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that they be excused from participating in the ADR phone conference and any further formal ADR process.

Dated: January 25, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/  
 ILA C. DEISS<sup>1</sup>  
 Assistant United States Attorney  
 Attorneys for Defendants

Dated: January 25, 2008

/s/  
JUSTIN FOK  
Attorney for Plaintiff

## ORDER

Pursuant to stipulation and to ADR L. R. 3-3(c), the parties are hereby removed from the ADR Multi-Option Program and are excused from participating in the ADR phone conference and any further formal ADR process.

**SO ORDERED.**

Dated:

HOWARD R. LLOYD  
United States Magistrate Judge

<sup>1</sup> I, Ila Deiss, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this efiled document.